

Gupta et al.

S/N: 09/748,520

REMARKS

Claims 1-35 are pending in the present application. In the Office Action mailed October 4, 2003, the Examiner rejected claim 31 under 35 U.S.C. §112, second paragraph. The Examiner next rejected claims 1-7 and 22-25 under 35 U.S.C. §102(e) as being anticipated by Christensen et al. (US 2002/0156694). The Examiner then rejected claims 8-21 and 26-35 under 35 U.S.C. §103(a) as being unpatentable over Christensen et al., in view of Parad (USP 5,369,570).

Regarding the rejection of claim 31 under 35 U.S.C. §112, Applicant has amended the claim to clarify that the categories are "the plurality of product categories." As such, Applicant believes the rejection of claim 31 under §112 is traversed.

Regarding the rejection of claims 1-7 and 22-25 under 35 U.S.C. §102(e) as being anticipated by Christensen et al. and claims 8-21 and 26-35 under 35 U.S.C. §103(a) as being unpatentable over Christensen et al., in view of Parad, Applicant submits the enclosed Declaration under 37 C.F.R. §1.131 and associated proof in support of prior conception and diligent work toward reduction to practice.

Applicant notes that only one of three inventors is available to make the necessary Declaration. As such, Applicant has also enclosed a Petition to Make Declaration Under 37 C.F.R. §1.131 Under 37 C.F.R. §1.47(a), which along with the accompanying proof of unavailability, establishes that Mr. Yenerich may sign on the behalf of the unavailable inventors pursuant to 37 C.F.R. §1.47(a).

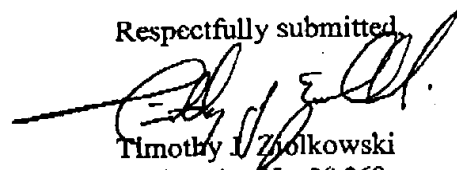
Accordingly, Applicant believes Christensen et al. is not valid prior art under §102(c) or §103(a). Therefore, no basis of rejection remains and Applicant respectfully requests Notice of Allowance of claims 1-35.

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Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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